

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DOMINGO COLON MONTANEZ,

Plaintiff,

v.

RICHARD KELLER, *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-13-2564
(JUDGE CAPUTO)

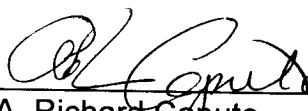
(MAGISTRATE JUDGE
MEHALCHICK)

ORDER

On January 20, 2015, I reviewed the Report and Recommendation ("R & R") of Magistrate Judge Karoline Mehalchick (Doc. 34). I issued an order (Doc. 35), later vacated, in which I adopted her recommendations and granted Defendants' Motion to Dismiss. On April 23, 2015, I issued an order (Doc. 46) granting Plaintiff's Motion for an Extension of Time (Doc. 39) to file objections to the R & R, and vacated my order adopting the R & R. In that order (Doc. 46), I stated that Defendant's objections must be filed by May 21. As of today, June 4, 2015, no objections have been received.

THEREFORE, this 4th day of June, 2015, upon review of the Report and Recommendation of Magistrate Judge Mehalchick (Doc. 34) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 34) is **ADOPTED**.
- (2) Defendants' Motion to Dismiss (Doc. 25) is **GRANTED**.
- (3) Plaintiff's Complaint (Doc. 1) is **DISMISSED**, with leave to file an amended complaint within thirty (30) days of the date of entry of this order. If Plaintiff fails to file an amended complaint within this period, his action will be dismissed **with prejudice**.
- (4) This matter is **RECOMMENDED** to Magistrate Judge Mehalchick for further proceedings.


A. Richard Caputo
United States District Judge